

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BRADLEY TANKIEWICZ,

Plaintiff,

13-CV-3914 (JS)(ARL)

-against-

NOTICE OF MOTION

UNITED SERVICE WORKERS UNION LOCAL 74
and PINELAWN CEMETARY,

Defendants.

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C O U N S E L:

PLEASE TAKE NOTICE that upon the Memorandum of Law in Support of the Motion to Dismiss of defendant UNITED SERVICE WORKERS UNION LOCAL 74, the Declaration of Zachary R. Harkin, Esq. dated October 11, 2013, and the exhibits annexed thereto, and all prior proceedings had herein, United Service Workers Union Local 74, by its attorneys O'Dwyer & Bernstein, LLP, hereby move this Court, before the Honorable Joanna Seybert in the United States District Court, 100 Federal Plaza, Central Islip, NY 11722, on a date designated by the Court, for an Order: (1) dismissing the Complaint as to defendant United Service Workers Union Local 74 pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure for failure to state a claim upon which relief may be granted; (2) denying leave to amend or re-file plaintiff's action against Local 74 and (3) for such other relief as the Court deems just and proper.

Dated: New York, New York
October 11, 2013

Respectfully submitted,
O'DWYER & BERNSTIEN, LLP

/s/ Zachary Harkin
ZACHARY HARKIN (ZH 0620)
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TO: Edward Sample, Esq.
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Farmingdale, NY 11735

Eve Klein, Esq.
Eric Ruden, Esq.
Duane Morris LLP
Attorneys for defendant Pinelawn Cemetery
1540 Broadway
New York, NY 10036

CERTIFICATE OF SERVICE

I, Zachary Harkin, hereby certify a true and correct copy of the foregoing was served this
11th day of October, 2013, via CM/ECF filing upon:

Edward Sample, Esq.
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Attorneys for plaintiff
500 Bi-County Blvd, #112N
Farmingdale, NY 11735

Eve Klein, Esq.
Eric Ruden, Esq.
Duane Morris LLP
Attorneys for defendant Pinelawn Cemetery
1540 Broadway
New York, NY 10036

Dated: October 11, 2013
New York, NY

/s/ Zachary Harkin
Zachary Harkin